

.. **FIRE STATION #8 PREFERRED SITE**

Public Hearing (Published Notice) on Draft Mitigated Negative Declaration and General Plan Conformity Finding for Fire Station #8, PLN 2004-00049 for 35659-35673 Fremont Blvd; and Property Owner Hearing on Consideration of Adoption of Resolution of Necessity for Acquisition of 35659-35673 Fremont Boulevard for Fire Station #8 (North Fremont), City Project PWC No. 7838.

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Executive Summary: The Fire Safety Bond measure (Measure R) passed in November 2002 by a 74% vote and provides funding for land acquisition and development of a new Fire Station #8. Staff has identified a preferred site – a vacant approximate 1-acre lot across from Brookvale Shopping Center. Numerous sites were considered, but only the recommended site optimizes fire service coverage and meets other criteria such as cost and development feasibility. All property rights must be acquired from the owner of the preferred site before the City can develop the new station. An offer was made to the property owner on July 22, 2003 and staff has been unable to negotiate a purchase agreement. Staff recommends that the City Council adopt a Resolution of Necessity and authorize the eminent domain process to acquire the site. In order to consider this recommendation, City Council must first hold a public hearing and, if appropriate, adopt the Draft Mitigated Negative Declaration that has been prepared for the project.

BACKGROUND: The Fire Safety Bond measure originated from the Capital Improvement Program process, which identified a large, unfunded capital need in the Fire Department in 2001. One of the Fire Department’s critical projects is the replacement of Fire Station #8 located at 3723 Darwin Drive. Fire Station #8 started as a temporary station in 1971. It is a small house converted to a fire station. It totals

2050 square feet. There is room for one engine and no other pieces of active or reserve apparatus. The station is seismically unsound in that it does not meet the standard of an essential services facility, defined as a building that functions during and after a major earthquake.

The replacement of Fire Station #8 was included in the Fire Safety Bond measure. The measure authorizes the issuance of \$51 million in general obligation bonds to replace Fire Station #8, Fire Stations #2 (Niles), and Fire Station #6 (Centerville) with new modern stations, build a public safety training center, and make remodeling and seismic improvements to seven existing fire stations. The first series of bonds totaling \$10 million was sold this summer to fund work on the projects over the next two years.

The bond measure budgeted for the acquisition of a 1-acre site to construct a 10,000 square foot fire station with three apparatus bays to replace Fire Station #8. The budget developed for the Fire Station #8 project is \$6.9 million, which covers land acquisition, construction costs, soft costs including staff costs and contingency. On top of the project's contingency the bond measure includes a \$4.6 million contingency for all of the projects. Funds are believed to be sufficient to develop the planned new Fire Station #8.

Staff held a community meeting on the new location on September 17, 2003 to provide information on the possible project and collect comments to be conveyed to the City Council for consideration in proceeding with acquisition of the preferred site. Approximately 15 residents attended the meeting and 8 have followed up by phone or e-mail regarding the project. The comments have been integrated into the discussion of the required findings for the Resolution of Necessity below.

The remainder of this staff report is divided into three discrete sections. Each item is related to the acquisition of the preferred Fire Station #8 site, but they need to be considered individually and sequentially. The City can not adopt a Resolution of Necessity to acquire the preferred site without (1) a finding that the proposed use of the property conforms with the General Plan, which has been made by the Planning Commission and (2) adopting the Draft Mitigated Negative Declaration to comply with the California Environmental Quality Act.

Finding of General Plan Conformance: On September 25, 2002, the Planning Commission reviewed the proposed site for General Plan conformity. Planning Commission voted 6-0 (1 absent) to find that PLN2004-00049 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Health and Safety Chapters, as set forth in Exhibit A. The City Council is asked to receive this finding of the Planning Commission.

Environmental Analysis: A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the City Council.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect – either individually or cumulatively – on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

No outside response or comment had been received at the time of publication of this report. City Council is asked to open a public hearing on the environmental analysis per the California Environmental Quality Act (CEQA), and if appropriate, take the recommended actions.

Resolution of Necessity: The preferred site identified by staff for the new location of Fire Station #8 is 35659-35673 Fremont Boulevard, Fremont, CA, identified as Assessors Parcel Number 543-0394-029-02. The gross area of the site is 43,613 square feet (1.001 acres), and the net developable area of the site after dedication of land for widening of Fremont Boulevard as required by the City's General Plan is 36,409 square feet (.836 acres). The site is currently vacant and it was recently entitled for a 12-unit townhouse development project (Brookvale Villas Planned District, P-2002-339, approved by City Council on April 8, 2003). The owner is Rockwell Homes, based in San Jose, California. Rockwell Homes is the developer of the townhouse project. It bought the subject property in 2002.

The City made an offer on the property on July 22, 2003 based on an appraisal report completed by a certified general appraiser. The City has not been able to reach terms of a possible purchase agreement, although the parties are negotiating in good faith and will continue to do so.

Council adoption of a Resolution of Necessity, by four-fifths vote with the following findings, based on the record and the evidence set forth herein, is required for the initiation of the proposed eminent domain action:

1. *The public interest and necessity require the proposed project.*

The proposed project will significantly improve the reliability of fire service on a citywide basis by allowing the Fire Department to continue to meet the response standards for the Fire Station #8 district and provide backup coverage capability for the central area of Fremont (Fire Station #6 and Fire Station #1) where service demand is concentrated. Thus, the need and necessity of the proposed project is consistent with the following objective, policy, and implementation measures of the General Plan:

Fundamental Goals of the General Plan:

**Goal F-10: PUBLIC SERVICES RESPONSIBLY MANAGED AND EQUITABLY
DISTRIBUTED THROUGHOUT THE CITY.**

Public services must continue to be equitably distributed throughout the city. To the maximum degree feasible, all areas should be equally served by parks, fire stations, libraries, and other public facilities and services.

Health and Safety Goals and Policies:

Objective HS 4.1: Development locations and standards which limit the potential health and safety risks, and the risks of severe economic loss due to fire hazards.

Policy HS 4.1.1: Provide an adequate level of fire equipment and personnel to protect the community.

Implementation 1: Continue to implement plan for improving fire service through expansion to 11 stations, movement of stations and other improvements.

Objective HS 5.1: Maximum feasible achievement of a five minute response time for areas where response time for areas where response time is identified as achievable.

Policy HS 5.1.2: Consider improvements in services and facilities to provide maximum feasible achievement of a five minute response within the City.

2. *The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury.*

This site is recommended by staff because it optimizes fire service coverage. The City's General Plan establishes a five minute response goal for 95 percent of all emergency calls placed to the Fire Department. The Department has defined a response goal that consists of 1 minute and 30 seconds from receipt of the call by the Department to departure from the fire station and four minutes of travel to arrive at the call. The Fire Department analyzed the preferred site using a computer model that calculates the coverage area that could be achieved within a four minute travel time to meet its response goal. The coverage area from the preferred site includes the entire Fire Station #8 territory based on the computer model. The preferred site also would result in overlapping of fire service coverage with Fire Station #6 (Centerville) and Fire Station #1 (Central). Because these two stations are the most active in the City, the new location would significantly improve the City's overall fire service reliability. The current Fire Station #8 location results in overlapping coverage with one of the least active fire stations (Fire Station #10 in Ardenwood). To summarize, the new location would continue to serve the existing Fire Station #8 district and it would shift the overlap of coverage from one of the least busy Fire Stations

to the second busiest Fire Station (Fire Station #6) and to a lesser extent the busiest Fire Station (Fire Station #1).

The preferred site was superior to all other candidate sites, and since it is a vacant and unimproved site, the proposed project would not require the displacement of residents or businesses. Staff met with Caltrans regarding the availability of surplus vacant lands currently being held for Route 84. There are no surplus lands, and Caltrans will not release any lands for sale until Route 84 has been determined and is completed. If the City-owned land designated for Route 84 were to be considered, the delay required by the Route 84 alignment decision would pose risks to the successful completion of the fire station project schedule and budget.

Nearby residents of the preferred site expressed concern about noise and traffic at the recent community meeting. The noise concern centers around the fire engine sirens, fire alarm bells, external speakers, and the emergency generator. The traffic concern stems from the traffic volume along Fremont Boulevard and how traffic might be altered if adjustments are made to the street or the nearby signals to accommodate the Fire Station and emergency response. Residents are concerned about the overall safety of the street and changes in traffic flow (for example, one resident is worried about losing the ability to make a U-turn in front of Brookvale shopping center).

There are several ways to reduce the noise generated from fire station activity. A masonry wall at side and rear property lines and landscaped setback areas are two features of the site plan that will reduce noise impacts. In addition, the design of the station will consider the optimal placement and direction of loudspeakers. Timers on the loudspeakers can control unnecessary noise during the evening hours. The Fire Department can reduce the noise and use of sirens on the engines if it can control traffic on Fremont Boulevard to safely exit the station during an emergency. The site will allow the Fire Department to drive-through the apparatus bays instead of backing into them, so the required warning that sounds when an engine backs up will be averted for many of the return trips to the station.

Staff has preliminarily assessed traffic issues related to the proposed Fire Station, and on this basis believes that the proposed Fire Station can be safely accommodated. There is an opportunity to control the traffic at Tamayo and Nicolet for emergency response, which may assist in reducing the use of sirens.

when fire engines exit the station. The proposed project does not appear to require any significant changes to the traffic flow such as a new traffic signal. The U-turn in front of Brookvale shopping center is likely to remain. The traffic accident rate along this stretch of Fremont is generally similar to or lower than the accident rate in five other comparable settings in Fremont.

At least one resident at the community meeting expressed concerned that on-site parking on Fremont Boulevard would be removed with a fire station project and another resident expressed concern over the general lack of open space in the area. The proposed fire station project on the site will not impact either situation. The approved townhouse development would have a greater impact on on-street parking than a fire station, and since the property was recently zoned for townhouse development, it is unlikely that the property will be developed as open space.

Residents expressed concern that the proposed fire station will cause neighboring properties to lose value. There do not appear to be any studies or data on this issue. It would be difficult to isolate the impact of a fire station from all of the other myriad considerations that go into property values.

Finally, a few residents expressed support for the new location. The entire western boundary of the proposed site is shared with a single family home, and that owner has expressed support for the project. The benefits of having a nearby fire station include reduced response times, real or perceived improvements in safety with year-round 24-hour staffing of the station, well-maintained civic building and landscaped site, and possibly lower fire insurance rates.

In sum, the proposed project is located in a such a way that the City’s Fire Service will be more effective because it will increase the reliability of coverage where service demand is strongest. Furthermore, it will not require the demolition of improvements or relocation of businesses or residents. Many of the initial concerns expressed by nearby residents can and would be addressed in the design phase.

3. The property described in the Resolution of Necessity is necessary for the proposed project.

Fire service coverage dictated narrow search boundaries for a new location for Fire Station #8. To achieve that additional reliability of fire service coverage in the central area of Fremont where there is the greatest service demand, the Fire Department wants to be located south of Decoto and on or

very close to Fremont Boulevard. To accommodate the development of the planned fire station within the parameter of the Fire Safety Bond measure, the search for site was focused on sites that were approximately 1 acre in size. Over a dozen sites within these boundaries or close to these boundaries were evaluated as candidates. In addition to fire service coverage criteria, staff also evaluated potential sites with regard to cost, development feasibility, and traffic and access issues. The preferred site was the only candidate to meet all of the selection criteria.

4. *The offer required by Government Code Section 7267. 2 has been made to all owners of record.*

The City made the required written offer to the owners on July 22, 2003.

If the City Council is asked to take comment from the property owners or their representatives on the recommended Resolution of Necessity action, and if appropriate, make the recommended findings.

ENCLOSURES:

- Legal Description & Plat Map
- Location Map
- Initial Study and Draft Mitigated Negative Declaration with Mitigation Monitoring Plan
- September 25, 2002 Planning Commission report
- Exhibit “A” Findings of General Plan Conformity

RECOMMENDATION:

- 1a. Hold public hearing on Draft Mitigated Negative Declaration prepared for the project.
- 1b. Close public hearing.
- 1c. Receive finding of Planning Commission that PLN2004-00049 (Fire Station #8 Proposed Land Acquisition) is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Health and Safety Chapters, as set forth in Exhibit A, hereby adopted by reference.
- 1d. Find the initial study conducted for PLN2004-00049 has evaluated the potential for acquisition and development of the proposed site for a fire station to cause an adverse

effect – either individually or cumulatively – on wildlife resources and find there is no evidence the project would have any potential for adverse effect on wildlife resources.

- 1e. Adopt Draft Mitigated Negative Declaration PLN2004-00049, find it reflects the independent judgment of the City of Fremont, and find there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
- 1f. Approve Mitigation Monitoring Plan for the proposed Fire Station #8.
- 2a. Open hearing for property owners and their representatives to comment on Resolution of Necessity.
- 2b. Adopt a Resolution of Necessity making the following findings: (1) the public interest and necessity require the proposed project, (2) the proposed project is planned or located in the manner that will be the most compatible with the greatest good and the least private injury, (3) the property described in the Resolution of Necessity is necessary for the proposed project, and (4) the offer required by Government Code Section 7267.2 has been made to all owners of record; determine that the public interest and necessity requires the acquisition of a certain parcel of land and direct the filing of eminent domain proceedings.

Division Head

Department Head

Finance

City Attorney’s Office

City Manager’s Office

Dept.
Name?_____

Dept.
Name?_____

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